

## Ensuring Justice

NIJ has supported several key innovations that have improved court procedures while protecting the public and ensuring justice. The projects were designed to stop the revolving door through which criminals come into court, are sentenced and serve or receive probation, return to the community, commit new crimes, and come back to court. They were also intended to break the cycles of drugs and domestic violence and to make courts more responsive to the needs of their communities.

The Nation's first community court, the Midtown Community Court in Manhattan, New York, is an example of a court that focuses on relatively low-level crimes that lower the morale of the community. The Miami-Dade County drug court, pioneered in the 1990's, continues to be an example of an effective alternative court for dealing with drug offenders. NIJ-funded evaluations of both of these court programs found them to have promise.<sup>18</sup>

<sup>18</sup> Sviridoff, M., D.B. Rottman, R. Weidner, F. Cheesman, R. Curtis, R. Hansen, and B.J. Ostrom, "Dispensing Justice Locally: The Impact, Costs, and Benefits of the Midtown Community Court," final report to the National Institute of Justice, 2002 (NCJ 196397), available at <http://www.ncjrs.org/pdffiles1/nij/grants/196397.pdf>; Anderson, D., "In New York City, a 'Community Court' and a New Legal Culture," final report to the National Institute of Justice, 1996 (NCJ 158613), available at <http://www.ncjrs.org/pdffiles/commcrt.pdf>; and Goldkamp, J.S., and D. Weiland, "Assessing the Impact of Dade County's Felony Drug Court," final report to the National Institute of Justice, 1993 (NCJ 145302). The Law Offices of the Public Defender for the Eleventh Judicial Circuit of Florida maintains a Web page about the Miami-Dade Drug Court at [http://www.pdmiami.com/drug\\_court.htm](http://www.pdmiami.com/drug_court.htm). Also see Rothman, D.B., "Community Courts: Prospects and Limits," *NIJ Journal* 231 (August 1996): 46-51, available at <http://ncjrs.org/pdffiles/nijjcomm.pdf>.

<sup>19</sup> Bureau of Justice Assistance, "Drug Court Discretionary Grant Program: FY 2005 Resource Guide for Drug Court Applicants," U.S. Department of Justice, Bureau of Justice Assistance, retrieved March 17, 2005, from the World Wide Web at <http://www.ojp.usdoj.gov/BJA/grant/05DrugCtResGuide.pdf>.

### Courts that help stop drug abuse

Since 1989, more than 1,500 courts have implemented or are planning to implement a drug court.<sup>19</sup> In these settings, officers of the court (judges, prosecutors, defense counsel) combine their influence with substance abuse treatment specialists, probation officers, educational and vocational experts, and community leaders to pressure offenders to face their drug problems.

Acceptance into a drug court program varies by court, but most drug courts require that the charge before the court involve a nonviolent offense and that the offender has no previous record of violence, is not mentally ill or suicidal, and has a substance abuse problem.

Offenders who enter drug court typically must follow strict rules. For example, they may be required to live at home, submit to weekly drug screenings, report to court four times a week for counseling and therapy, get and keep gainful employment, and agree to unannounced "knock and talk" visits from a police officer or an officer of the court.

Dyer County, Tennessee,  
General Sessions Judge  
Charles V. Moore, Jr.  
quoted in the *Dyersburg State Gazette*,  
July 26, 2003

"I've sent a lot of people to rehab, and if they successfully complete it, I see very few of them back."

The drug court judge can adjust rewards and punishments in accordance with how well an offender abides by the rules of the court and participates in the rehab program. For example, if an offender continues to test negative on urine tests, the court may relax the terms of his or her probation.

One NIJ study of 38 drug courts found that out of 17,000 graduates nationwide, 16 percent had been rearrested and charged with a felony 1 year after they graduated from drug court and 28 percent 2 years later.<sup>20</sup> By contrast, a Bureau of Justice Statistics study that tracked more than a quarter million released prisoners for 3 years found a recidivism rate for released drug offenders of 67 percent.<sup>21</sup>

In 2004, to obtain more indepth understanding about the effectiveness of drug courts, NIJ launched a multisite, longitudinal study of their impact.<sup>22</sup> What precisely makes drug courts successful? Is it the type of offender accepted into the program or the type of treatment offered? What role does the judge's personality play? What are the costs and benefits? NIJ hopes to answer these and other questions as the research unfolds. Preliminary findings are anticipated in 2007.

### Science in the courtroom

Scientific advances are changing the landscape of courtrooms. How prosecutors and defense attorneys use expert testimony and forensic evidence has changed dramatically during the last 10 years. Television shows that glamorize forensic investigation are highly popular (despite their inaccuracies in depicting how science helps solve crimes). Increasingly, court participants—judges, jurors, and attorneys alike—need to understand complex scientific evidence. But do recent advances in forensic science also advance justice?

As in other research areas, NIJ seeks solutions to these issues by drawing upon the expertise of scientists in relevant fields (e.g., forensic medicine) and by enhancing cooperation among these scientists and criminal justice professionals. Such cross-disciplinary cooperation helps NIJ identify pressing needs and develop more targeted research agendas.

<sup>20</sup> Roman, J., W. Townsend, and A. Singh Bhati, "Recidivism Rates for Drug Court Graduates: Nationally Based Estimates," final report to the National Institute of Justice, Washington, DC: The Urban Institute, July 2003 (NCJ 201229), available at <http://www.ncjrs.org/pdffiles1/201229.pdf>.

<sup>21</sup> Langan, P.A., and D.J. Levin, *Recidivism of Prisoners Released in 1994*, Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, June 2002 (NCJ 193427), available at <http://www.ojp.usdoj.gov/bjs/pub/pdf/rpr94.pdf>.

<sup>22</sup> The impact evaluation under way includes 29 drug court sites and 5 comparison sites. Interviews of more than 2,000 offenders will be conducted as they enter the court process (baseline), then again at 6 and 18 months. Recidivism will be examined 24 months after baseline. Researchers will evaluate the impact of various drug court strategies and conduct a cost-benefit analysis.

Of course, scientific tools cannot solve everything. That is why NIJ has brought together interagency working groups to examine how forensic science and technology can identify new ways to solve crime and ensure justice.

One technical working group is developing a guide to understanding how digital evidence must be presented in court.<sup>23</sup> Guides to investigating electronic crime scenes and forensic examination of digital evidence were published in 2001 and 2004, respectively (see “For more information,” below).

NIJ plans and hosts national conferences and workshops with other forensic science, law enforcement, and criminal justice agencies and organizations. These Science and the Law conferences help practitioners understand the principles underlying scientific evidence.

In May 2004, NIJ hosted a summit attended by members of the American Academy of Forensic Sciences, the American Society of Crime Laboratory Directors, the International Association for Identification, and the National Association of Medical Examiners. The high-level discussion about policies and practices resulted in a report to Congress on the needs of forensic science service providers.<sup>24</sup>

#### For more information

- *Science and the Law: 2001 and 2002 National Conferences*, Special Report, Washington, DC: U.S. Department of Justice, National Institute of Justice, May 2004 (NCJ 202955), available at <http://www.ncjrs.org/pdffiles1/nij/202955.pdf>.
- *Forensic Examination of Digital Evidence: A Guide for Law Enforcement*, Special Report, Washington, DC: U.S. Department of Justice, National Institute of Justice, April 2004 (NCJ 199408), available at <http://www.ncjrs.org/pdffiles1/nij/199408.pdf>.
- *Electronic Crime Scene Investigation: A Guide for First Responders*, NIJ Guide, Washington, DC: U.S. Department of Justice, National Institute of Justice, July 2001 (NCJ 187736), available at <http://www.ncjrs.org/pdffiles1/nij/187736.pdf>.

<sup>23</sup> *Digital Evidence in the Courtroom: A Guide for Law Enforcement and State and Local Prosecutors* is pending publication; three other guides related to electronic crime are in development.

<sup>24</sup> The “180-Day Study Report: Status and Needs of United States Crime Laboratories,” May 28, 2004, was prepared for the U.S. Senate Appropriations Committee by the American Society of Crime Laboratory Directors in collaboration with NIJ’s Office of Science and Technology, the American Academy of Forensic Sciences, the International Association for Identification, and the National Association of Medical Examiners.

<sup>25</sup> Fromm, S., "Total Estimated Cost of Child Abuse and Neglect in the United States," *Cost-of-Injury Analysis*, National Clearinghouse on Child Abuse and Neglect Information, Administration for Children and Families, U.S. Department of Health and Human Services. Retrieved from the World Wide Web on January 27, 2005, <http://nccanch.acf.hhs.gov/topics/prevention/develop/making/injury.cfm>.

<sup>26</sup> Widom, C.S., and M.G. Maxfield, *An Update on the "Cycle of Violence"*, Research in Brief, Washington, DC: U.S. Department of Justice, National Institute of Justice, February 2001 (NCJ 184894), available at <http://www.ncjrs.org/pdffiles1/nij/184894.pdf>.

<sup>27</sup> *Violence Against Women: Identifying Risk Factors*, Research in Brief, Washington, DC: U.S. Department of Justice, National Institute of Justice, November 2004 (NCJ 197019), available at <http://www.ncjrs.org/pdffiles1/nij/197019.pdf>.

<sup>28</sup> Finkelhor, D., and R. Ormrod, "Child Abuse Reported to the Police," *Juvenile Justice Bulletin*, Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, May 2001 (NCJ 187238), available at <http://www.ncjrs.org/pdffiles1/ojjdp/187238.pdf>. See also Snyder, H.N., "Sexual Assault of Young Children as Reported to Law Enforcement: Victim, Incident, and Offender Characteristics," Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, July 2000 (NCJ 182990), available at <http://www.ojp.usdoj.gov/bjs/pub/pdf/saycrle.pdf>.

<sup>29</sup> Kilpatrick, D.G., B.E. Saunders, and D.W. Smith, *Youth Victimization: Prevalence and Implications*, Research in Brief, Washington, DC: U.S. Department of Justice, National Institute of Justice, April 2003 (NCJ 194972), available at <http://www.ncjrs.org/pdffiles1/nij/194972.pdf>.

<sup>30</sup> The success of child advocacy centers has not been empirically tested. A formal interview of child advocacy center directors and an extensive literature search found only one published outcome evaluation [Jenson, J.M., M. Jacobson, Y. Unrau, and R.L. Robinson, "Intervention for Victims of Child Sexual Abuse: An Evaluation of the Children's Advocacy Model," *Child and Adolescent Social Work Journal* 13(2) (1996):139–156]. The Office of Juvenile Justice and Delinquency Prevention is sponsoring a national evaluation of child advocacy centers, under way at the Crimes Against Children Research Center, University of New Hampshire.

## Protecting child victims

Arguably the most vulnerable of all victims are children who have been abused or maltreated. The human pain and loss from child abuse and neglect are incalculable, but an analysis of the financial cost is estimated conservatively at \$94 billion annually.<sup>25</sup> The long-range impact for criminal justice is striking: Children who have been abused and neglected are more likely than those who were not to become involved in criminal behavior later in life.<sup>26</sup> They are also more likely to be victimized as adults.<sup>27</sup>

From police records of child abuse, research indicates that family members and caretakers are responsible for 27 percent of the abuse, noncaretaker acquaintances are responsible for 63 percent, and strangers for 10 percent.<sup>28</sup> Research also confirms that for adolescents, much of the violence they experience is perpetrated by peers or someone they know well, and most of the sexual assaults (86 percent) and physical assaults (65 percent) they experience go unreported.<sup>29</sup>

During 2004, NIJ published a manual to help administrators of child advocacy centers evaluate the effects of their programs. Child advocacy centers serve abused children through a comprehensive approach to services for victims and their families. They stress coordination of investigation and intervention services by bringing together professionals and agencies in multidisciplinary teams. The goal is to ensure that children are not revictimized by the very system designed to protect them.<sup>30</sup>

The manual gives child advocacy center administrators the tools and knowledge they need to evaluate whether their center is achieving the standards established by the National Children's Alliance (NCA)—a child-friendly facility, a multidisciplinary team, child investigative interviews, a medical examination, mental health services, victim advocacy, and case review. To reduce the system-induced trauma children experience as a result of an investigation, NCA recommends limiting the number of interviews to which children are exposed.

**For more information**

- Jackson, S.L., *A Resource for Evaluating Child Advocacy Centers*, Special Report, Washington, DC: U.S. Department of Justice, National Institute of Justice, July 2004 (NCJ 192825), available at <http://www.ncjrs.org/pdffiles1/nij/192825.pdf>.
- Kilpatrick, D.G., B.E. Saunders, and D.W. Smith, *Youth Victimization: Prevalence and Implications*, Research in Brief, Washington, DC: U.S. Department of Justice, National Institute of Justice, April 2003 (NCJ 194972), available at <http://www.ncjrs.org/pdffiles1/nij/194972.pdf>.